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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,064	03/11/2004	Raj Bridgelall	022.0035 (1679)	6744
29906 7590 04/23/2007 INGRASSIA FISHER & LORENZ, P.C. 7150 E. CAMELBACK, STE. 325 SCOTTSDALE, AZ 85251			EXAMINER HOLLOWAY III, EDWIN C	
			ART UNIT	PAPER NUMBER
			2612	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/799,064

Applicant(s)

BRIDGELALL, RAJ

Examiner

Edwin C. Holloway, III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 11-36, 38, 40 and 41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 11-36, 38, 40-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

EXAMINER'S RESPONSE

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2-5-07 has been entered.

In response to applicant's amendment filed 2-5-07, all the amendments to the specification and claims have been entered. The examiner has considered the new presentation of claims and applicant's arguments in view of the disclosure and the present state of the prior art. And it is the examiner's opinion that the claims are unpatentable for the reasons set forth in this Office action:

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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3. Claims 1-6, 11-12, 40-41 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant points out par. 40 of the specification as support for the claim 1 limitation of receiving predesignated data "without interrogating." Par. 40 includes receiving "certain transmissions," but does not specify these are provided without interrogating.

4. Claims 1-6, 11-12, 34-36, 38, 40-41 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Para. 40 lacks "without interrogating" and therefore cannot provide an enabling disclosure of claim 1. Original claim 39 had "without interrogating," but did not specify this was directed to predetermined data. Regarding claims 34, 38 and 41, "slow data rate updates,..." are listed, but does not explain how such data is made or used.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 34-36 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 34 is confusing because "transferring data via RFID transceiver" is contradicted by "the data to be transferred is not one of a set ... directed to the RFID antenna." Is RFID antenna meant to refer to the RFID transceiver? Further, it is unclear to what extent the list of included data is excluded by the negative "one of" language. Claim 38 has language similar to claim 34 that is indefinite for the same reasons applied to claim 34.

Claim Rejections - 35 USC § 103

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 1, 3-6, 11-12 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032) in combination with Kotola (US 6892052), Strong (US 20030007473A1)

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and Werb (US006150921A).

Grego discloses a mobile device (T) with network transceiver Bluetooth transceiver for communicating base station (access point) transceiver BTS and Bluetooth transceiver (BTB). The Bluetooth channel is used when the normal channel is unavailable. This allow traffic diversion. See the abstract and pages 7-8. Grego lacks RFID.

Kotola disclose an access point and mobile device and with network, Bluetooth and RFID transceivers. This allows connection with an access device using RFID. See cols. 1-4. The access point RFID transceiver 110/805 can communicate with RFID tag 215/803 on mobile device 102 to receive predetermined data such as Bluetooth ID, clock offset or other optional parameters or data stored in the RFID tag memory. This information is sent via RFID to skip Bluetooth inquiry and shorten session setup. The tag may be active to provide increased range and data rate in col. 4 line 61 - col. 5 line 5, but does not expressly disclose the "without interrogation" limitation.

Strong discloses an analogous art system with access points have integrated wireless LAN (802.11, Bluetooth, etc.) and RFID tag interrogators in paragraphs 0041-0048. The integration can also include relatively simple sensors to read RFID beaconing

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tags that periodically transmit datagrams in paragraphs 0178-0179. Interrogation is not required for active beacon tags that periodically transmit. The tag can transmit LPS RFID signals or WLAN signals in par. 0086. The tag can communicate with multiple interrogators / access points is disclosed in paragraph 0170 and fig. 7. Further, tags may communicate with WLAN access points and LPS access points in fig. 2. Multiple access points with multiple antennas are included in fig. 2 to increase coverage

Werb discloses an analogous art system similar to Strong with remote antennas connected to access points by coax cable and switch in cols. 4 and 10 to communicate DC power and RF signals for extended coverage.

Regarding claims 1, 3-7 and 12, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Grego the RFID of Kotola as an alternative or addition to cellular/Bluetooth to allow communication with a mobile terminal and access point using RFID. Alternatively it to have included in Kotola the channel switching based on availability or traffic load disclosed in Kotola for traffic diversion.

It further would have been obvious to have included RFID transceiver in the access point configured to receive

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predesignated data without interrogating to reduce demand on the transceiver in view of Strong disclosing an access point with sensors to read RFID beaconing tags that periodically transmit datagrams that are relatively simple sensors not requiring interrogation and inherently reduce demand on the RFID transceiver and suggested by the active tags of Kotola integrated with a mobile device. Further, connection to remote antennas by coax cable and switch would have been obvious in view of Werb disclosing antennas connected to access points by coax cable to communicate DC power and RF signals for extended coverage and suggested by the antennas connected by cables in Strong.

Regarding claim 11, co-located antenna would have been obvious in view Strong disclosing co-located and remote antennas in par. 0105 for both local and remote coverage. This is further, suggested by the co-located antenna 505 of Kotola.

Regarding claim 41, the beacon data of Strong includes status and Kotola includes optional parameters such as clock offset sent by RFID to skip Bluetooth inquiry and therefore not sent by Bluetooth. These signals are one of updates, configurations, status, and monitoring.

9. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032), Kotola (US 6892052),

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Strong (US 20030007473A1) and Werb (US006150921A) as applied above and further in view of Korcharz (US 20040236967A1)

'Power over Ethernet for the access point would have been obvious in view of Korcharz disclosing this in paragraph 0002 for advantages such as avoiding power cabling.

10. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032), Kotola (US 6892052), Strong (US 20030007473A1) and Werb (US006150921A) as applied above and further in view of Lee'705 (US006909705B1).

Lee'705 discloses an analogous art system with cellular transceivers and Bluetooth piconet transceivers to allow the cellular system to offload some users to the Bluetooth system similar to Grego. Lee'705 includes the piconet extend outside the cell coverage area to provide increased coverage. See fig. 1, col. 3 line 31 - col. 4 line 16 and col. 5 line 55 - col. 6 line 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above an RFID antenna outside the range of at least one wireless antenna in view of Lee'705 disclosing Bluetooth piconets outside the range of a cell to increase coverage and Kotola disclosing RFID associated with Bluetooth.

11. Claims 13, 15-18, 23-26, and 28-33 are rejected under 35

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U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032) in combination with Kotola (US 6892052), Strong (US 20030007473A1) and Mahany (US005960344A).

Grego discloses a mobile device (T) with network transceiver Bluetooth transceiver for communicating base station (access point) transceiver BTS and Bluetooth transceiver (BTB). The Bluetooth channel is used when the normal channel is unavailable. This allow traffic diversion. See the abstract and pages 7-8. Grego lacks RFID.

Kotola disclose an access point and mobile device and with network, Bluetooth and RFID transceivers. This allows connection with an access device using RFID. See cols. 1-4. The access point RFID transceiver 110/805 can communicate with RFID tag 215/803 on mobile device 102 to receive predetermined data such as Bluetooth ID, clock offset or other optional parameters or data stored in the RFID tag memory. This information is sent via RFID to skip Bluetooth inquiry and shorten session setup. The tag may be active to provide increased range and data rate in col. 4 line 61 - col. 5 line 5.

Strong discloses an analogous art system with access points have integrated wireless LAN (802.11, Bluetooth, etc.) and RFID tag interrogators in paragraphs 0041-0048. The integration can also include relatively simple sensors to read RFID beaconing

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tags that periodically transmit datagrams in paragraphs 0178-0179. Interrogation is not required for active beacon tags that periodically transmit. The tag can transmit LPS RFID signals or WLAN signals in par. 0086. The tag can communicate with multiple interrogators / access points is disclosed in paragraph 0170 and fig. 7. Further, tags may communicate with WLAN access points and LPS access points in fig. 2. Multiple access points with multiple antennas are included in fig. 2 to increase coverage

Mahany discloses an analogous art communication system with access points including multiple transceivers and mobile units with multiple transceivers, to provide multiple channels and protocols. The mobile units are configured to communicate with the various access points using either transceiver as the unit roams thru the system. A transceiver is selected depending on system conditions and configurations such as cell traffic, required data rate and other factors. See cols. 11-12 and figs. 9-10.

Regarding claims 13, 15-18, 23-26, and 28-33, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Grego the RFID of Kotola as an alternative or addition to cellular/Bluetooth to allow communication with a mobile terminal and access point using

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RFID. Alternatively it to have included in Kotola the channel switching based on availability or traffic load disclosed in Kotola for traffic diversion.

The systems of Strong shows multiple access points for increased coverage. Although , Kotola and Grego only show one access point, multiple access point would have been obvious as disclosed in Mahany for increased coverage and suggested by the "cellular" network of Grego. The transceivers in each mobile unit would obviously have been configured to communicate with the plural access points as disclosed in Mahany for communication in covered areas using access points and transceivers based on conditions such as cell traffic and desired data rate suggested by deviating traffic in Grego. The combination is further suggested by Mahany including scanners and Strong disclosing multiple access points with overlap for locating and WLAN communication coverage.

12. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032), Kotola (US 6892052) and Strong (US 20030007473A1) Mahany (US005960344A(as applied above and further in view of Korcharz (US 20040236967A1)

Power over Ethernet for the access point would have been obvious in view of Korcharz disclosing this in paragraph 0002 for advantages such as avoiding power cabling.

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13. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032), Kotola (US 6892052) and Strong (US 20030007473A1) Mahany (US005960344A(as applied above and further in view of Werb (US006150921A).

Werb discloses an analogous art system similar to Strong with remote antennas connected to access points by coax cable and switch in cols. 4 and 10 to communicate DC power and RF signals for extended coverage.

Connection to remote antennas by coax cable and switch would have been obvious in view of Werb disclosing antennas connected to access points by coax cable to communicate DC power and RF signals for extended coverage and suggested by the antennas connected by cables in Strong.

14. Claim 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032), Kotola (US 6892052) and Strong (US 20030007473A1) Mahany (US005960344A(as applied above and further in view of Lee'705 (US006909705B1).

Lee'705 discloses an analogous art system with cellular transceivers and Bluetooth piconet transceivers to allow the cellular system to offload some users to the Bluetooth system similar to Grego. Lee'705 includes the piconets extend outside the cell coverage area to provide increased coverage. See fig. 1, col. 3 line 31 - col. 4 line 16 and col. 5 line 55 - col. 6

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line 6.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above an RFID antenna outside the range of at least one wireless antenna in view of Lee'705 disclosing Bluetooth piconets outside the range of a cell to increase coverage and Kotola disclosing RFID associated with Bluetooth.

15. Claims 34-36 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grego (WO 02/096032), Kotola (US 6892052) and Lee'817 US 20040039817 A1.

Grego discloses a mobile device (T) with network transceiver Bluetooth transceiver for communicating base station (access point) transceiver BTS and Bluetooth transceiver (BTB). The Bluetooth channel is used when the normal channel is unavailable. This allow traffic diversion. See the abstract and pages 7-8. Grego lacks RFID.

Kotola disclose an access point and mobile device and with network, Bluetooth and RFID transceivers. This allows connection with an access device using RFID. See cols. 1-4. The access point RFID transceiver 110/805 can communicate with RFID tag 215/803 on mobile device 102 to receive predetermined data such as Bluetooth ID, clock offset or other optional parameters or data stored in the RFID tag memory. This

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information is sent via RFID to skip Bluetooth inquiry and shorten session setup. The tag may be active to provide increased range and data rate in col. 4 line 61 - col. 5 line 5,

Lee'817 discloses access points that respond to a probe request by transmitting a probe response with an indication of channel loading to a wireless station. The wireless stations could then select a channel that is not busy. See the abstract and paragraphs 0006-0012

Regarding claims 34-36 and 38, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in Grego the RFID of Kotola as an alternative or addition to cellular/Bluetooth to allow communication with a mobile terminal and access point using RFID. Alternatively it to have included in Kotola the channel switching based on availability or traffic load disclosed in Kotola for traffic diversion.

It further would have been obvious to one of ordinary skill in the art at the time the invention was made to have included in the combination applied above probe request and response of Lee'817 to indicate a busy channel to provide the traffic diversion of Grego and suggested by Kotola disclosing that the invention applies to 802.11 WLAN and other standards. Regarding the predetermined transmissions of claims 34 and 38, the beacon

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data of Strong includes status and/or Kotola includes optional parameters such as clock offset sent by RFID to skip Bluetooth inquiry and therefore not sent by Bluetooth. These signals are one of updates, configurations, status, and monitoring.

Response to Arguments

16. Applicant's arguments with respect to claims 1-6, 11-36, 38, 40-41 filed 2-5-07 have been considered but are not persuasive and/or moot in view of the new ground(s) of rejection.

The argument that the prior art lacks the coax cable of claim 1 is moot in view of the new rejection relying on Werb to disclose this limitation in analogous art.

The argument that the prior art lacks the capability to communicate with two access points of claims 13 and 28 is moot in view of the new rejection relying on Mahany to disclose this limitation in analogous art. Mobile units are obviously capable of communicating with multiple access points as they roam.

Regarding the predetermined transmissions of claims 34 and 38 and 41, the limitation is claimed in a negative manner so that if Kotola fails to disclose the set as argued, then Kotola anticipates the claimed limitation. Further the RFID beacon data of Strong includes status and/or Kotola includes optional parameters such as clock offset sent by RFID to skip Bluetooth

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inquiry and therefore not sent by Bluetooth. These signals are one of updates, configurations, status, and monitoring.

New claim 41 is rejected relying on Lee'705.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Menard (US 2003/0119568) discloses devices with active and passive transceivers.

CONTACT INFORMATION

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact an Electronic Business Center (EBC) representatives at 571-272-4100 or toll free at 1-866-217-9197 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at ebc@uspto.gov. The Patent EBC is a complete customer service center that supports all Patent e-business products and service applications. Additional information is available on the Patent EBC Web site at <http://www.uspto.gov/ebc/index.html>.

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claims in a regular U.S. patent application, and the reply to the examiner's Office action is desired to be transmitted by facsimile rather than mailed, the reply must be sent to the Central FAX Number. Inquiries concerning only hours and location of the Customer Window may be directed to OIPE Customer Service at (571) 272-4000

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edwin C. Holloway, III whose telephone number is (571) 272-3058. The examiner can normally be reached on M-F (8:30-5:00). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Zimmerman can be reached on (571) 272-3059.

EH
4/16/07


EDWIN C. HOLLOWAY, III
PRIMARY EXAMINER
ART UNIT 2612